IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 2927 of 1987

For Approval and Signature:

HONOURABLE MR.JUSTICE K.A.PUJ

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1	Whether Reporters of Local Papers may be allowed to see the judgment ?
2	To be referred to the Reporter or not ?
3	Whether their Lordships wish to see the fair copy of the judgment ?
4	Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?
5	Whether it is to be circulated to the civil judge ?

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H.K. LADOLA - Petitioner
Versus
ASSTT DISTRICT REGISTRAR & 2 - Respondents

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Appearance :
MR BHARAT J SHELAT for Petitioner.
MR LB DABHI, AGP for Respondent Nos. 1 - 2.
MR HARIN P. RAVAL for Respondent No. 3.

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CORAM : HONOURABLE MR.JUSTICE K.A.PUJ

Date : 09/01/2006

ORAL JUDGMENT

1.The petitioner has filed this petition under Article 226 of the Constitution of India challenging the suspension order passed by the respondents against the petitioner.

2.The petitioner was first put under suspension on 05.10.1977. The petitioner has challenged the said order of suspension by filing Special Civil Application No. 1648 of 1977 before this Court. The said petition was disposed of on 19.12.1977. Thereafter, the petitioner was allowed to resign from the services of the Govt. and he continued to work as a Manager of the Bank on a permanent basis from 01.09.1977. On 31.12.1983, an order was passed by the Assistant Registrar under Section 89 of the Co-operative Societies Act placing the petitioner under suspension for a period of one month. The said suspension period was extended from time

to time. Thereafter, Inquiry Officer was appointed and he has also submitted his report. As per the report of the Inquiry Officer, all the charges leveled against the petitioner were proved.

3.Considering the averments made in the petition as well as the affidavit-in-reply filed on behalf of the respondents on 23.01.1988 and further affidavit-in-reply filed on 04.04.1988, this Court has admitted the petition and rule was issued on 30.06.1988. However, the interim relief was not granted as the petitioner's date of superannuation was 31.05.1988. The Court has also observed in the said order that no further extension was granted to the petitioner.

4.The petition has, therefore, become infructuous. Even if any further action was taken by the respondents pursuant to the report

of the Inquiry Officer, the same can be challenged by the petitioner. Since the petitioner has already retired on 31.05.1988 as observed in the order dated 30.06.1988, nothing survives in the petition. The Court is, therefore, not inclined to interfere in the order passed by the respondents on the ground that the petition has become infructuous. The petition is accordingly disposed of. Rule discharged without any order as to costs. Liberty to move in case of difficulty.

[K.A. PUJ, J.]

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